

**United States Court of Appeals**  
**For the First Circuit**

03-10361  
USDC/nwA  
Zobel, R.

No. 06-1313

No. 06-1346

UNITED STATES OF AMERICA,

Appellee, Cross-Appellant,

v.

SCOTT FINK,

Defendant, Appellant, Cross-Appellee.

**JUDGMENT**

Entered: August 16, 2007

This cause came on to be heard on appeal from the United States District Court for the District of Massachusetts and was argued by counsel.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The district court's ruling that Scott Fink's 2002 conviction is an adequate 21 U.S.C. § 841(b)(1)(B) sentence enhancement predicate is affirmed. The district court's denial of a continuance so that the government could clarify the continuing force of the February 1999 conviction for consideration in the context of an analysis of Scott Fink's career offender status is reversed. The case is remanded for further proceedings consistent with the opinion issued this day.

Certified and Issued as Mandate  
under Fed. R. App. P. 41.

Richard Cushing Donovan, Clerk

*Jennifer Calando*  
Deputy Clerk

Date: 9/17/07

By the Court:

*Richard C. Donovan*  
Richard Cushing Donovan, Clerk

[Certified copies to Hon. Rya W. Zobel and Ms. Sarah A. Thornton, Clerk, United States District Court for the District of Massachusetts. Copies to Mr. Rankin, Ms. Menken, Mr. Weinreb, and Ms. Chaitowitz.]